

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PML NORTH AMERICA, LLC,

Plaintiff,

Case No. 05-CV-70404-DT

v.

Hon. Robert H. Cleland

HARTFORD UNDERWRITERS INSURANCE  
COMPANY, ACG ENTERPRISES OF NC, INC.,  
and JOHN E. GILCHRIST d/b/a RTP INSURANCE  
& FINANCIAL ASSOCIATES OF DURHAM, NC,

Defendants.

---

**PLAINTIFF'S SUPPLEMENTAL BRIEF IN RESPONSE  
TO JOHN E. GILCHRIST'S MOTION FOR SUMMARY JUDGMENT**

In response to this Court's December 5, 2006 Order Requiring Plaintiff to File Supplemental Brief, and in response to John E. Gilchrist's Motion for Summary Judgment, Plaintiff PML North America, LLC ("PML") states that there is no genuine issue of material fact pursuant to Fed. R. Civ. P. 56 because the evidence demonstrates that Defendant ACG Enterprises of NC, Inc.'s ("ACG") is responsible and liable for breach of contract, fraud and misrepresentation, promissory estoppel, and/or unjust enrichment. As a result of this conclusion, there is no admissible evidence suggesting that any person or entity, other than ACG, engaged in the act of fraud against PML.

Respectfully submitted,

BUTZEL LONG

/s/ Katherine D. Goudie  
Michael G. Latiff (P51263)  
Katherine Donohue Goudie (P62806)  
150 West Jefferson, Suite 100

Dated: December 11, 2006  
/888630/

Detroit, MI 48226-4450  
(313) 225-7000  
E-mail: [latiff@butzel.com](mailto:latiff@butzel.com)  
[goudie@butzel.com](mailto:goudie@butzel.com)  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on December 11, 2006, I electronically filed **PLAINTIFF'S SUPPLEMENTAL BRIEF IN RESPONSE TO JOHN E. GILCHRIST'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court using the ECF system which will send notification of such filing to registered counsel.

I further certify that on December 11, 2006, I caused a copy of the foregoing paper and all attachments thereto to be served on each of the following via first class U.S. Mail:

John Edward Gilchrist  
3325 Chapel Hill Blvd., Suite 145  
Durham, NC 27707

by placing same in a sealed envelope, addressed to said attorney and depositing same in the United States mail in Detroit, Michigan, with postage fully prepaid.

I declare that the foregoing is true and accurate to the best of my information, knowledge and belief.

BUTZEL LONG

/s/ Katherine D. Goudie  
Michael G. Latiff (P51263)  
Katherine Donohue Goudie (P62806)  
150 West Jefferson, Suite 100  
Detroit, MI 48226-4450  
(313) 225-7000  
E-mail: [latiff@butzel.com](mailto:latiff@butzel.com)  
[goudie@butzel.com](mailto:goudie@butzel.com)  
Attorneys for Plaintiff